

Remarks

102 Rejection (Gabbay)

Claims 1-2 and 5-6 have been rejected under 35 U.S.C. § 102 based on Gabbay (US 2003/0040792A1).

Claims 5 and 6 have been cancelled. Claim 1 has been amended in order to more particularly define the "anchoring section." Support for the amended language is found in Figure 30B and in the portion of paragraph 00123 at page 37 of applicant's specification. As amended, the anchoring section is believed to be distinguished from "any portion along stent, or could be barb 66 or flare sections on stent" as disclosed by Gabbay.

103 Rejection (Garrison and Myers)

Claims 1-2 and 5-6 have also been rejected under 35 U.S.C. § 103 based on Garrison (U.S. 6,425,916) and Myers (U.S. 2002/0052651). As pointed out in the May 3, 2005 Office Action, Garrison discloses "straight rather than scalloped" inflow annulus. But while Garrison shows an expandable and collapsible valve displacer or stent, Myers is directed to stentless valve (page 1, paragraph 0013, first sentence; page 2, paragraphs 0014, 0015, and 0016, first line; Figures 1-41). The Myers valve is stentless in order to promote hemodynamic performance (page 1, paragraph 0009, last sentence). It is submitted that there is no suggestion or teaching in Garrison or Myers that the two disclosures should be combined. See Al-Site Corp. v. VSI Int'l., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999); MPEP 2143.01. Indeed, given that Myers discloses the disadvantages of an anchoring structure or stent as opposed to a stentless design, it teaches away from a combination with Garrison. See In re Graselli, 713 F.2d 731, 734, 218 USPQ 769, 779 (Fed. Cir. 1983); MPEP 2145 X., D., 2.

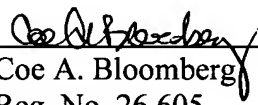
Further, even if Garrison and Myers were properly combined, their combination does not disclose the "anchoring section," as reflected in amended claim 1 discussed above.

Allowance of claims 1-2, as amended, is earnestly solicited.

Respectfully submitted,

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